

CHAPTER 11
ENFORCEMENT

11.01 Violations.

- (1) It shall be unlawful to locate, erect, construct, reconstruct, alter, enlarge, extend, convert, or relocate any building, structure, or sign or use any building, structure, land or sign in violation of the provisions of this Ordinance, or amendments or supplements thereto, lawfully adopted by the County Board of Supervisors. It shall also be unlawful to fail to comply with the provisions of this ordinance or fail to obtain permits as required by this Ordinance or to fail to comply with any requirement or condition imposed by the Board of Adjustment or Zoning Committee.
- (2) Each and every day of violation as described in sub. (1) may be deemed a separate offense and violation.
- (3) Any person, firm, association, or corporation or representative agent failing to comply with the provisions of this Ordinance may be subject to prosecution under the terms of this Ordinance.

11.02 Prosecution.

- (1) Civil proceedings. Pursuant to s. 66.12, Wis. Stats., an action for violation of this Ordinance shall be a civil action.
- (2) Notification. The Zoning Administrator shall serve any violators with a notice of violation stating the following:
 - (a) The nature of the violation.
 - (b) Corrective measures required to eliminate the violation.
 - (c) That the violator shall be subject to:
 1. Civil action to remove or otherwise eliminate the violation, and/or
 2. Penalties, upon conviction, as set forth in s. 11.04.
- (3) Corporation Counsel. The Zoning Administrator shall report violations to the Trempealeau County Corporation Counsel. At the Corporation Counsel's discretion, legal action or proceedings may be commenced to prosecute alleged violators pursuant to the proceedings outlined in s. 66.12, Wis. Stats., or pursuant to the issuance of a summons and complaint.

- (4) Injunction. Compliance with this Ordinance may also be enforced by an injunction at the suit of Trempealeau County or the owner or owners of real estate within the zoning district affected by such regulation.
- (5) Penalty. Those actions commenced on behalf of Trempealeau County may, in addition, seek a forfeiture or penalty as outlined herein.
- (6) Special inspection warrants. The provisions of s. 66.122, Wis. Stats., shall govern the issuance of all special inspection warrants.

11.03 Orders and citations

- (1) Trempealeau County zoning officials shall have the authority to issue orders and directives to any person subject to the provision of these regulations to:
 - (a) Cease any act, conduct or use which is deemed to be a violation of these regulations; or
 - (b) Correct within a specified period of days any violation of these regulations and to issue, with or without an order or directive, a citation and notice to appear in a court of competent jurisdiction for any violation of these regulations.

11.04 Penalties. Any person, firm, association, or corporation or representative agent who fails to comply with the provisions of this Ordinance or any order of the Zoning Administrator issued in accordance with this Ordinance shall, upon conviction thereof, forfeit not less than \$50 nor more than \$500 and the cost of prosecution for each violation including court costs and reasonable attorney fees; and in default of payment of such forfeiture and costs shall be imprisoned until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate violation.

11.05 After-the-fact conditional use applications and variance petitions.

- (1) After-the-fact conditional use situation. If building or structure or premises is used to establish a use, which by this Ordinance requires issuance of a conditional use permit, without a conditional use permit first being obtained, the responsible party may attempt to correct the violation by applying for a conditional use permit for the unauthorized use.
 - (a) Procedure.
 - 1. Upon notification of the violation, the responsible party may apply for a conditional use permit as provided in s. 10.04 (2).
 - 2. Upon submittal of a complete application, the application shall be processed as provided in s. 10.04.

- (b) During the pendency of the conditional use permit application, the responsible party shall not carry on any activities in furtherance of the unauthorized use.
- (2) After-the-fact variance situations. If a building or structure is constructed in violation of any dimensional requirement of this Ordinance, or if a lot is created in violation of minimum lot area and/or width requirements of this Ordinance, the responsible party may attempt to correct the violation by petitioning for a variance, except that the responsible party shall not be eligible for such correction if a summons and complaint regarding the violation has been filed by the Corporation Counsel prior to submittal of the variance petition.
- (a) Procedure.
 - 1. Upon notification of the violation, the responsible party may submit a written request to the Board of Adjustment asking that the Board of Adjustment consider a variance petition regarding the violation.
 - 2. As soon as can be conveniently scheduled, the Board of Adjustment shall decide whether or not to consider such variance petition. In deliberating on the issue, the Board of Adjustment shall consider a recommendation which the Zoning Administrator shall provide.
 - 3. If the Board of Adjustment refuses to accept the request, appropriate enforcement actions shall be applied.
 - 4. If the Board of Adjustment accepts the request, the responsible party may submit a variance petition as provided in s. 10.05 (1).
 - (b) During the pendency of a variance petition, the responsible party shall not carry on any activities in furtherance of the unauthorized act.